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\*Financial Accounting Information - redact to the last four digits

The General Order was issued pursuant to the official policy on privacy adopted by the Judicial Conference of the United States. This order can be found on the Court's website at www.wawd.uscourts.gov/ReferenceMaterials/index.htm. All documents filed in the above-captioned matter must comply with the Privacy Policy and the General Order.

Dkt. 20 at 3.

On June 24, 2008, the parties filed a Stipulation and Protective Order Regarding Confidentiality of Records and Discovery Material. Dkt. 24.

## II. DISCUSSION

The stipulated protective order states that "it is hereby stipulated between the Plaintiff and Defendant in the above-captioned action that the confidentiality provisions herein shall govern all "Classified Information" that was or will be produced or exchanged in the course of this litigation." Dkt. 24 at 1. This statement, as well as other provisions of the protective order, are provisions that are more appropriate for agreements among parties and are not the business of the Court.

The provisions that are the business of the Court are too broad in that they give discretion to the parties to designate documents subject to the protective order. *See, e.g., id.* ¶ 5 ("confidential information or documents themselves *shall* be filed under seal") (emphasis added). Any request for a protective order to be entered by the Court must be narrowly drawn, clearly identifying the class or type of documents subject to the protective order, and articulate the factual basis for the order without relying on hypothesis or conjecture. *See Valley Broadcasting Co. v. U.S. Dist. Court for Dist. of Nevada*, 798 F.2d 1289 (9th Cir. 1986). The term "CONFIDENTIAL" is merely a classification and is not a specific fact that articulates the basis for sealing material.

Furthermore, the stipulated protective order seeks to dictate procedure and timelines that are not consistent with the Court's guidelines for filing electronic documents. *Compare* Dkt. 24 ¶ 6 *with* Local Rule 7.

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The parties may, of course, agree on confidentiality among themselves, but when they request that the Court be involved, they must make the requisite showing. Moreover, the Court will require a higher threshold when it is asked to seal motions, or documents attached to motions, that reach the merits of this action. See Kamakana v. City and County of Honolulu, 447 F.3d 1172 (9th Cir. 2006).

Therefore, the Court denies the stipulated protective order and it will remain in the electronic file without force or effect.

## III. ORDER

Therefore, it is hereby

**ORDERED** that the parties' Stipulation and Protective Order Regarding Confidentiality of Records and Discovery Materials (Dkt. 24) is **DENIED**.

DATED this 26th day of June, 2008.

United States District Judge